

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SANDRA HARPER, individually and as §  
the surviving parent of JAMES HARPER, §  
Tony S. Harper as the Administrator of the §  
Estate of JAMES HARPER and K.H., a §  
Minor, By and Through Her Mother and §  
Guardian, ASHLEE WHADLEY §

Plaintiff, §

CIVIL ACTION NO. 3:14-CV-2647

v. §

JURY TRIAL DEMANDED

THE CITY OF DALLAS, TEXAS, §  
AND BRIAN ROWDEN, §

Defendants. §

**PLAINTIFFS' THIRD AMENDED WITNESS LIST**

Pursuant to the Court's Order dated August 7, 2019 (Dkt. No. 169), Plaintiffs Sandra Harper, Individually as the surviving parent of James Harper, Tony S. Harper as the Administrator of the Estate of James Harper, and K.H., a minor, by and through her mother and guardian, Ashlee Whadley ("Plaintiffs"), hereby file their Third Amended Witness List. Plaintiffs reserve the right to amend their list to include witnesses that they could have not reasonable anticipated to be necessary.

(i) - The names and, if not previously provided, the address of each witness - separately identifying those the party expects to present and those it may call if the need arises.

<b>Witness</b>	<b>Address</b>	<b>Anticipated Testimony</b>
Sandra Harper	c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Sandra Harper has knowledge of the incident resulting in James Harper's injuries, death and the damages she's suffered, including pain and suffering and severe mental depression. Mrs. Harper will also provide testimony regarding the impact of James Harper's death on his daughter, K.H. <b>(was deposed)</b>
Tony Harper	c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Tony Harper has knowledge of the incident resulting in James Harper's injuries and death and the damages Sandra Harper and K.H. suffered, including pain and suffering, loss of support and severe mental depression. <b>(was deposed)</b>
K.H.	c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	K.H. has knowledge of the incident resulting in James Harper's injuries, death and the damages she's suffered, including pain and suffering, loss of support and severe mental depression.
Ashlee Whadley	c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Ashlee Whadley has knowledge of the incident resulting in James Harper's injuries and death and the damages Sandra Harper and K.H. have suffered, including pain and suffering, loss of support and severe mental depression. <b>(was deposed)</b>
James White	c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	James White is James Harper's father. Mr. White has knowledge of the incident resulting in James Harper's death, the goals of James Harper and the impact his death has on the Plaintiffs. James White will also provide testimony regarding the injuries Mr. Harper sustained as a result of Officer Rowden's use of excessive force.
Reverend James Fitzgerald	Pastor of Pastoral Care Friendship West Baptist Church	Reverend James Fitzgerald is the Pastor of Pastoral Care at Friendship West Baptist Church. Reverend Fitzgerald has

<b>Witness</b>	<b>Address</b>	<b>Anticipated Testimony</b>
	616 Kiest Blvd. Dallas, Texas 75244 (972) 228-5200	knowledge of the incident resulting in James Harper's injuries and the death. Reverend James Fitzgerald counseled the Plaintiffs after the death of James Harper and will testify to the impact the incident has on the family.
<b>Possible Witness:</b>	<b>Address</b>	<b>Anticipated Testimony</b>
Arthur Dixon	3409 S. Central, #211 Dallas, Texas 75215 (972) 803-2860	Arthur Dixon has knowledge of the incident resulting in Jason Harper's injuries and death. Arthur Dixon will provide testimony that James Harper was unarmed and was not committing a penal offense.
Joseph Fullwood	Address and phone number unknown	Joseph Fullwood has knowledge of the incident resulting in Jason Harper's injuries and death. Joseph Fullwood will provide testimony that James Harper was unarmed and was not committing a penal offense.
Angelina Ingram	c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Mrs. Ingram is James Harper's aunt. Mrs. Ingram has knowledge of the incident resulting in James Harper's death, the goals of James Harper and the impact his death has on the Plaintiffs.
Porcha Gilyard	c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Ms. Gilyard is James Harper's cousin. Ms. Gilyard has knowledge of the incident resulting in James Harper's death, the goals of James Harper and the impact his death has on the Plaintiffs.
Freddie Baker	3808 Mural Ln Dallas, Texas (214) 421-7333	Freddie Baker has knowledge of the incident resulting in Jason Harper's injuries and death.
<b>Experts:</b>	<b>Address:</b>	<b>Anticipated Testimony</b>
Jerry Ray Staton	Affordable Realistic Tactical Training P.O. Box 645 Del Valle, Texas 78617 c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Mr. Staton will offer opinions and testimony based on his knowledge of the events from examining the items provided for his review along with his knowledge and experience in normal police procedures with using force, how Brian Rowden's ("Rowden") use of excessive and deadly force on James Harper ("Harper") was unreasonable, unnecessary, and unjustified; Mr. Staton will offer opinions that the objectively

<b>Witness</b>	<b>Address</b>	<b>Anticipated Testimony</b>
		reasonable standard for judging an officer's use of force asks whether another reasonable officer could believe the actions taken were lawful, necessary, and reasonable.
Dr. Stan V. Smith	Smith Economics Group, Ltd. 1165 N. Clark, Suite 600 Chicago, IL 60610 c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Dr. Smith is an economist who will offer opinions and testimony regarding the nature and calculations of Plaintiffs' damages, including but not limited to, loss of household services and loss of earnings. Dr. Smith may offer other opinions and conclusions to rebut the opinions of Defendants' experts.
Amy C. Gruszecki, MSFS, DO	American Forensics P.O. Box 550846 Dallas, Texas 75355 c/o counsel for Plaintiff Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Dr. Gruszecki is expected to testify regarding James Harper's cause and manner of death, the injuries sustained by Harper and may opine, within a reasonable degree of medical and/or psychological certainty, as to the nature and extent of James Harper's agonal period
Matt Kita	P.O. Box 5119 Dallas, TX 75208	Mr. Kita will prove up the business records of the Kita Law Firm and will testify regarding his agreement with Plaintiffs. Mr. Kita will also provide testimony regarding the reasonable and necessary attorneys' fees incurred by Plaintiffs in prosecuting their claims.
Daryl K. Washington	Washington Law Firm, P.C. 325 N. St. Paul, Suite 3950 Dallas, Texas 75201 (214) 880-4883	Mr. Washington is the Managing Partner of the Washington Law Firm, P.C. and will prove up the business records of the Washington Law Firm, P.C. and will testify regarding his agreement with Plaintiffs. Mr. Washington will also provide testimony regarding the reasonable and necessary attorneys' fees incurred by Plaintiffs in prosecuting their claims.
<b>Non-Retained Experts:</b>	<b>Address</b>	<b>Anticipated Testimony</b>
Dr. William McClain,	Office of the Dallas County	Dr. McClain conducted the autopsy on

<b>Witness</b>	<b>Address</b>	<b>Anticipated Testimony</b>
M.D.	Medical Examiner 2355 N. Stemmons Fwy. Dallas, TX 75207 (214) 920-5895	James Harper. It is expected that he will testify regarding the injuries sustained by James Harper and the cause of his death and may opine, within a reasonable degree of medical and/or psychological certainty, as to the nature and extent of James Harper's agonal period. Dr. McClain's opinions are more fully expressed in the Autopsy Report he completed regarding the subject injuries.
Dr. Jill Urban, M.D.	Office of the Dallas County Medical Examiner 2355 N. Stemmons Fwy. Dallas, TX 75207 (214) 920-5895	Dr. Urban conducted the autopsy on James Harper. It is expected that he will testify regarding the injuries sustained by James Harper and the cause of his death and may opine, within a reasonable degree of medical and/or psychological certainty, as to the nature and extent of James Harper's agonal period. Dr. Urban's opinions are more fully expressed in the Autopsy Report he completed regarding the subject injuries.

The following are Defendants' agents and/or employees who Plaintiffs expect to call. If Defendants are unwilling to produce these witnesses during Plaintiffs case in chief, Plaintiffs will issue subpoenas:

<b>Witness</b>	<b>Address</b>	<b>Brief Summary of Testimony</b>
Everlardo Perez	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 214-671-8225	Everlardo Perez has knowledge of the incident resulting in James Harper's death. Officer Perez was at the crime scene and will provide testimony regarding his knowledge of the incident and what he observed and concluded during his investigation.
Brian Rowden	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 214-671-8225	Brian Rowden has knowledge of the incident resulting in James Harper's injuries and death. Brian Rowden is the Defendant in the case and will provide testimony regarding his use of excessive and deadly force. (Conducted deposition)

Witness	Address	Brief Summary of Testimony
Tom Lawrence	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Tom Lawrence has knowledge of the incident resulting in James Harper's death and will provide testimony regarding the employment of Brian Rowden and his performance as an officer.
Carrie Wise	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Carrie Wise has knowledge of the incident resulting in James Harper's death and will provide testimony regarding the employment of Brian Rowden and his performance as an officer.
Eno Fite	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Eno Fite has knowledge of the incident resulting in James Harper's death, the employment of Brian Rowden and his performance as an officer. Eno Fite interviewed Brian Rowden after the incident and will provide testimony regarding his investigation.
Officer Gary Bromley (Possible)	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Gary Bromley has knowledge of the incident resulting in James Harper's injuries and death. Gary Bromley was one of the officers at the scene with Officers Rowden and Begin. Officer Bromley will provide testimony regarding his knowledge of the incident.
Eddie Ibarra	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Detective Ibarra was the lead investigator for the incident. Detective Ibarra has knowledge of the incident resulting in James Harper's injuries and death. Detective Ibarra interviewed eyewitness Freddie Baker shortly after the incident and will provide testimony regarding his investigation.
Michael Begin	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Officer who assisted Brian Rowden on the day of the incident. Officer Begin has knowledge of the incident resulting in James Harper's death and will provide testimony regarding the conduct of Officer Rowden and what he personally observed. (Conducted deposition)

<b>Witness</b>	<b>Address</b>	<b>Brief Summary of Testimony</b>
Former Chief of Police David Brown (Possible)	Kroll Associates 1717 Main Street, Suite 4400, Dallas, Texas 75201 (214) 965-0000	Chief Brown has knowledge of the incident resulting in James Harper's death, the employment of Brian Rowden and his performance as a police officer. Chief Brown will provide testimony regarding the DPD's policies and procedures, the investigation of the incident and prior officer involved shootings.
Tennell Atkins (Possible)	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Mayor Pro Tem Atkins has knowledge of the incident resulting in Jason Harper's injuries and will provide testimony regarding the policies and procedures regarding the use of excessive force, the violation of James Harper's civil rights, training provided by the Dallas Police Department, and the actions of Officer Brian Rowden and the Dallas Police Department.
Mayor Mike Rawlings (Possible)	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Mayor Rawlings has knowledge of the incident resulting in Jason Harper's injuries and will provide testimony regarding the policies and procedures regarding the use of excessive force, the violation of James Harper's civil rights, training provided by the Dallas Police Department, and the actions of Officer Brian Rowden and the Dallas Police Department.
A.C. Gonzalez (Possible)	Public Water Solutions 1909 Woodall Rodgers Freeway, Suite 575, Dallas, Texas 75201 (214) 673-3434	A.C. Gonzalez has knowledge of the incident resulting in Jason Harper's injuries and will provide testimony regarding the policies and procedures regarding the use of excessive force, the violation of James Harper's civil rights, training provided by the Dallas Police Department, and the actions of Officer Brian Rowden and the Dallas Police Department.
Sgt. Greer	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Sgt. Greer has knowledge of the incident resulting in James Harper's death. Sgt. Greer interviewed witness Freddie Baker and will provide testimony regarding his interview with witnesses and his investigation.
Vicki Hall	Southwestern Institute of Forensic Sciences, 2355 North Stemmons Fwy, Dallas, Texas 75207 (214) 920-5948	Firearms Examiner. Ms. Hall will provide testimony regarding her experience and qualifications to provide expert testimony on the subject of gunshot residue and the methodologies she used. Ms. Hall will provide testimony regarding the testing she conducted on the submitted evidence and the conclusions she reached.

Witness	Address	Brief Summary of Testimony
Anne Koettel	Southwestern Institute of Forensic Sciences, 2355 North Stemmons Fwy, Dallas, Texas 75207 (214) 920-5987	Trace Evidence Examiner. Ms. Koettel will provide testimony regarding her experience and qualifications to provide expert testimony on the examination of evidence using chemical techniques. Ms. Koettel will provide testimony regarding the examination she conducted on submitted evidence and the level of gunshot residue and bullet defects that were observed. Ms. Koettel will also provide testimony regarding the testing conducted on Officer Rowden's gun and the distance determination testing.
April Stowe	Southwestern Institute of Forensic Sciences, 2355 North Stemmons Fwy, Dallas, Texas 75207 (214) 920-5975	Firearms Examiner. Ms. Stowe will provide testimony regarding her experience and qualifications as a firearms examiner. Ms. Stowe will provide testimony regarding the testing she conducted on the submitted evidence, which included the fired bullet jacket fragment from the autopsy, the opinions she formed and the conclusions she reached.
Greg L. McDaniel (Possible)	City of Dallas - EMS 1551 Baylor St., Suite 300 Dallas, Texas 75226 (214) 670-4311	Mr. McDaniel was one of the first responders. Mr. McDaniel will provide testimony regarding the condition of James Harper when he arrived on the scene of the incident.
Assistant Chief Vince Golbeck Custodian of Records for the City of Dallas (Possible)	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	The custodian of records will authenticate documents listed as Exhibits by the Plaintiffs.
Raul Hernandez	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Raul Hernandez has knowledge of the incident resulting in James Harper's death. Officer Perez was at the crime scene. Officer Hernandez will provide testimony that he observed James Harper gasping for air after he had been shot by Officer Rowden.



<b>Witness</b>	<b>Address</b>	<b>Brief Summary of Testimony</b>
Keith Lewis	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Keith Lewis has knowledge of the incident resulting in James Harper's death. Officer Perez was at the crime scene. Officer Lewis will provide testimony that he observed an officer place handcuffs on James Harper.
Zachary Craven	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Zachary Craven has knowledge of the incident resulting in James Harper's death. Officer Perez was at the crime scene. Officer Craven will provide testimony that he heard two shots. Officer Craven will also provide testimony that he saw Harper resting and breathing.

ii) The designation of those witnesses whose testimony the party expects to present by deposition if witness suddenly becomes unavailable.<sup>1</sup>

	<b>Witness</b>	<b>Address</b>	<b>Anticipated Testimony</b>
1.	Michael Begin	c/o Lindsay Wilson Gowin, Dallas City Attorney's Office, 1500 Marilla St., Suite 7BN, Dallas, Texas 75201 (214) 671-8225	Officer who assisted Brian Rowden on the day of the incident. Officer Begin has knowledge of the incident resulting in James Harper's death and will provide testimony regarding the conduct of Officer Rowden and what he personally observed. (Conducted deposition)

Plaintiffs reserve the right to call any other witness listed by any other party to this litigation.

<sup>1</sup> The Defendants have indicated that Michael Begin will be available to testify at trial.

Respectfully submitted,

By: /s/ Daryl K. Washington  
DARYL K. WASHINGTON  
State Bar No. 24013714

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and -

By: /s/ Matthew J. Kita  
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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2019, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

/s/ Daryl K. Washington  
Daryl K. Washington